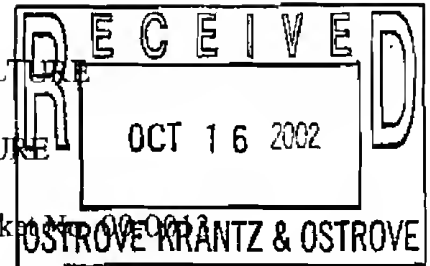


UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE



In re: ) AWA Docket No. 00-0013  
)  
)  
) WILDLIFE WAYSTATION, a California )  
) corporation; and MARTINE COLETTE, )  
) an individual, )  
)  
) Respondents. ) CONSENT DECISION AS TO  
) WILDLIFE WAYSTATION AND  
) MARTINE COLETTE

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(the "Act"), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondents willfully violated the Act and the regulations and standards issued thereunder (9 C.F.R. § 1.1 et seq.). This decision is entered into pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondents admit the jurisdictional allegations in the second amended complaint, admit the remaining allegations as set forth herein as findings of fact and conclusions of law, waive oral hearing and further procedure, and consent and agree to the entry of this decision for the purpose of settling this proceeding. The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Martine Colette is an individual whose mailing address is 14831 Little Tujunga Canyon Road, Los Angeles, California 91342, and is a principal of respondent Wildlife Waystation. At all times mentioned herein, respondent Martine Colette operated as a dealer as that term is defined in the Act, and since April 3, 1985, has operated as an exhibitor, as that term is defined in the Regulations, under license number 93-C-0295, issued under the name "MARTINE COLETTE D.B.A. WILDLIFE WAYSTATION." In 1998, said respondent had custody of 455

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animals, including non-human primates, and wild and exotic mammals.

2. Respondent Wildlife Waystation is a California corporation whose address is 14831 Little Tujunga Canyon Road, Angeles National Forest, California 91342-5999, and whose agent for service of process is Robert Weners, 12411 Osborne Street, # 117, Hansen Hills, California 91331. Beginning on April 16, 1982, said respondent was a registered research facility, under registration number 93-177 (also identified as 93-R-0177). In 1998, said respondent had custody of 138 animals, including 104 non-human primates. At all times mentioned herein, respondent Wildlife Waystation operated as a research facility or as a dealer as those terms are defined in the Act.

3. Respondents conduct their activities at various sites, to wit:

Site 1: 14831 Little Tujunga Canyon Road, Los Angeles, California;

Site 2: 14831 Little Tujunga Canyon Road, Los Angeles, California;

New Site 2: 555 Dyke Road, Mojave Valley, Arizona 86440; and

Site 3: 14831 Little Tujunga Canyon Road, Los Angeles, California (Primates only).

4. APHIS personnel conducted inspections of respondents' facilities, records and animals for the purpose of determining respondents' compliance with the Act and the Regulations and Standards at Site No. 1 on April 28, 1998, September 30, 1998, December 1, 1998 (lower half), March 26, 1999, June 14, 1999 (kitchen & "Q2" area), March 14 and 15, 2000, June 22, 2000, May 10, 2001, August 15, 2001 (non-human primates only), November 20, 2001 (partial inspection of "Q2" area related to biting incident on September 26, 2001), May 13, 2002 and August 20, 2002; at Site No. 2 on September 25, 1998 (upper half) and December 1, 1998 (upper half); at new Site 2 on March 22, 2000; and at Site No. 3 on April 24 and 28, 1998, and December 1, 1998:

Date

Location

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April 28, 1998	Site 1
April 24 & 28, 1998	Site 3
September 25, 1998	Site 2 (upper half)
September 30, 1998	Site 1
December 1, 1998	Site 1 (lower half)
December 1, 1998	Site 2 (upper half)
December 1, 1998	Site 3
March 26, 1999	Site 1
June 14, 1999	Site 1 (kitchen and Q2)
March 14 & 15, 2000	Site 1
March 22, 2000	Site 2
June 22, 2000	Site 1
May 10, 2001	Site 1
August 15, 2001	Site 1 (non-human primates only)
November 20, 2001	Site 1 (partial inspection of "Q2" area related to biting incident on September 26, 2001)
May 13, 2002	Site 1
August 20, 2002	Site 1

5. On January 17, 1992, APHIS sent respondents an official warning of violation of section 2.36 of the Regulations, and multiple violations of the Standards (sections 3.1, 3.5, 3.6, 3.7, 3.10 (dogs and cats); 3.50, 3.55, 3.56, 3.59 (rabbits); 3.75, 3.78, 3.79, 3.80, 3.81, 3.84, (nonhuman primates); and 3.125, 3.127, 3.129, 3.130, 3.131, 3.134 (other mammals)).

6. On February 9, 1996, APHIS sent respondent Wildlife Waystation an official warning of multiple violations of sections 2.31 and 2.36 of the Regulations.

7. On January 9, 1998, APHIS sent respondent Wildlife Waystation an official warning of violation of section 2.36 of the Regulations.

8. Respondent Wildlife Waystation willfully violated the Regulations governing research facilities (9 C.F.R. §§ 2.30-2.38), as follows:

a. 2.30 Registration

i. March 14 & 15, 2000. Respondent failed to notify the APHIS Animal

Care Regional Director by certified mail of changes in its operation that affected its

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status as a research facility within 10 days of making such changes. 9 C.F.R. § 2.30(c)(1).

b. **2.31 Institutional Animal Care and Use Committee (IACUC)**

i. April 28, 1998. Respondent's Institutional Animal Care and Use Committee failed to conduct a semi-annual review of the respondent's program for humane care and use of animals. 9 C.F.R. § 2.31(c)(1).

ii. April 28, 1998. Respondent's Institutional Animal Care and Use Committee failed to conduct a semi-annual inspection of the respondent's animal facilities. 9 C.F.R. § 2.31(c)(2).

iii. April 28, 1998. Respondent's Institutional Animal Care and Use Committee failed to prepare a report of the required semi-annual review of the respondent's program for humane care and use of animals. 9 C.F.R. § 2.31(c)(3).

iv. April 28, 1998. Respondent's Institutional Animal Care and Use Committee failed to prepare a report of the required semi-annual inspection review of the respondent's animal facilities. 9 C.F.R. § 2.31(c)(3).

v. April 28, 1998. Respondent's Institutional Animal Care and Use Committee failed to review and approve, require modifications to, or withhold approval of proposed activities related to the care and use of animals. 9 C.F.R. § 2.31(c)(6).

vi. September 30, 1998. Respondent's Institutional Animal Care and Use Committee failed to conduct a semi-annual review of the respondent's program for humane care and use of animals. 9 C.F.R. § 2.31(c)(1).

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vii. September 30, 1998. Respondent's Institutional Animal Care and Use Committee failed to conduct a semi-annual inspection of the respondent's animal facilities. 9 C.F.R. § 2.31(c)(2).

viii. September 30, 1998. Respondent's Institutional Animal Care and Use Committee failed to prepare a report of the required semi-annual review of the respondent's program for humane care and use of animals. 9 C.F.R. § 2.31(c)(3).

ix. September 30, 1998. Respondent's Institutional Animal Care and Use Committee failed to prepare a report of the required semi-annual inspection review of the respondent's animal facilities. 9 C.F.R. § 2.31(c)(3).

x. September 30, 1998. Respondent's Institutional Animal Care and Use Committee failed to review and approve, require modifications to, or withhold approval of proposed activities related to the care and use of animals. 9 C.F.R. § 2.31(c)(6).

xi. March 14 & 15, 2000. Respondent failed to have its Chief Executive Officer appoint an Institutional Animal Care and Use Committee. 9 C.F.R. § 2.31(a).

xii. March 14 & 15, 2000. Respondent's Institutional Animal Care and Use Committee failed to conduct a semi-annual review of the respondent's program for humane care and use of animals. 9 C.F.R. § 2.31(c)(1).

xiii. March 14 & 15, 2000. Respondent's Institutional Animal Care and Use Committee failed to conduct a semi-annual inspection of the respondent's animal facilities. 9 C.F.R. § 2.31(e)(2).

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xiv. March 14 & 15, 2000. Respondent's Institutional Animal Care and Use Committee failed to prepare a report of the required semi-annual review of the respondent's program for humane care and use of animals. 9 C.F.R. § 2.31(c)(3).

xv. March 14 & 15, 2000. Respondent's Institutional Animal Care and Use Committee failed to prepare a report of the required semi-annual inspection review of the respondent's animal facilities. 9 C.F.R. § 2.31(c)(3).

xvi. March 14 & 15, 2000. Respondent's Institutional Animal Care and Use Committee failed to review and approve, require modifications to, or withhold approval of proposed activities related to the care and use of animals. 9 C.F.R. § 2.31(c)(6).

c. **2.32 Personnel qualifications**

i. March 14 & 15, 2000. Respondent failed to ensure that all personnel involved in animal care, treatment and use are qualified to perform their duties. 9 C.F.R. § 2.32(a).

ii. March 14 & 15, 2000. Respondent failed to make training and instruction available with sufficient frequency. 9 C.F.R. § 2.32(b).

d. **2.33 Attending veterinarian and adequate veterinary care**

i. March 14 & 15, 2000. Respondent did not have a full-time veterinarian. Respondent did not have a formal arrangement with a part-time attending veterinarian that included a written program of veterinary care. 9 C.F.R. § 2.33(a)(1).

e. **2.35 Recordkeeping requirements**

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i. April 28, 1998 Respondent failed to maintain minutes of meetings of respondent's Institutional Animal Care and Use Committee. 9 C.F.R. § 2.35(a)(1).

ii. April 28, 1998 Respondent failed to maintain records of proposed activities involving animals and proposed significant changes thereto. 9 C.F.R. § 2.35(a)(2).

iii. April 28, 1998 Respondent failed to maintain records of semiannual reports and recommendations of respondent's Institutional Animal Care and Use Committee. 9 C.F.R. § 2.35(a)(3).

iv. September 30, 1998 Respondent failed to maintain minutes of meetings of respondent's Institutional Animal Care and Use Committee. 9 C.F.R. § 2.35(a)(1).

v. September 30, 1998 Respondent failed to maintain records of proposed activities involving animals and proposed significant changes thereto. 9 C.F.R. § 2.35(a)(2).

vi. September 30, 1998 Respondent failed to maintain records of semiannual reports and recommendations of respondent's Institutional Animal Care and Use Committee. 9 C.F.R. § 2.35(a)(3).

f. Miscellaneous

i. April 28, 1998 Respondent failed to allow APHIS officials, during business hours, access to examine records required to be kept by the Act and the Regulations. 9 C.F.R. § 2.38(b)(1).

ii. September 30, 1998 Respondent failed to allow APHIS officials,

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during business hours, access to examine records required to be kept by the Act and the Regulations. 9 C.F.R. § 2.38(b)(1).

NONCOMPLIANCE WITH REGULATIONS GOVERNING  
ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE

9. Respondents Martine Colette and Wildlife Waystation willfully violated the attending veterinarian and veterinary care regulations (9 C.F.R. § 2.40), as follows:

a. April 24 and 28, 1998 (Site 3). Respondents failed to establish and maintain programs of adequate veterinary care that include the availability of appropriate facilities, and specifically, housed chimpanzees in structures constructed, in part, with layers of plastic material that enclosed water and provided a ready environment for fungus and mold growth. 9 C.F.R. § 2.40(h)(1).

b. April 24 and 28, 1998 (Site 3). Respondents failed to establish and maintain programs of adequate veterinary care that include daily observation of all animals to assess their health and well-being, and specifically, housed chimpanzees in crowded conditions and with poor lighting, which impedes accurate observation of the animals. 9 C.F.R. § 2.40(b)(3).

c. April 24 and 28, 1998 (Site 3). Respondents failed to establish and maintain programs of adequate veterinary care that include the availability of appropriate facilities, and specifically, housed chimpanzees in overcrowded and structurally-unsafe enclosures. 9 C.F.R. § 2.40(b)(1).

d. April 24 and 28, 1998 (Site 3). Respondents failed to establish and maintain programs of adequate veterinary care that include the availability of appropriate facilities, and specifically, respondents' hospital is structurally unsound, unclean, unsanitary, insufficiently lit, and contains evidence of rodent infestation. 9 C.F.R. § 2.40(b)(1).

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e. April 24 and 28, 1998 (Site 3). Respondents failed to establish and maintain programs of adequate veterinary care that include the availability of appropriate facilities, and specifically, respondents' hospital, and the medicine and controlled substances contained therein, are not secured. 9 C.F.R. § 2.40(b)(1).

f. April 24 and 28, 1998 (Site 3). Respondents failed to establish and maintain programs of adequate veterinary care that included the availability of appropriate personnel, and the use of appropriate equipment and methods to prevent, control and treat diseases and injuries, and, specifically, respondents left controlled substances, other drugs, and equipment unattended and/or open or unidentified, to wit:

- i. Euth-6 left on counter top in hospital area with no employee present;
- ii. Ketamine left on counter top in hospital area with no employee present;
- iii. unmarked syringes left on counter top in hospital area with no employee present; and
- iv. Open tube of Bacitracin in drawer. 9 C.F.R. §§ 2.40(b)(1), 2.40(b)(2)

g. April 24 and 28, 1998 (Site 3). Respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate equipment and methods to prevent, control and treat diseases and injuries, and, specifically, respondents maintained expired or ineffective drugs for animal use, to wit:

- i. Epinephrine that had expired October 1996;
- ii. Dopram that had expired December 1995; and
- iii. Torbugesic that had expired October 1993. 9 C.F.R. §§ 2.40(b)(1),

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## 2.40(b)(2)

h. April 24 and 28, 1998 (Site 3). Respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent diseases, and, specifically, respondents do not require employees and volunteers who come into contact with nonhuman primates to be tested for tuberculosis, which is highly contagious and easily transmitted from humans to nonhuman primates. 9 C.F.R. § 2.40(b)(2).

i. April 24 and 28, 1998 (Site 3). Respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent diseases, and, specifically, respondents failed to correct the severe rodent infestation at respondents' facility, which represents a serious disease risk for nonhuman primates. 9 C.F.R. § 2.40(b)(2).

j. September 25, 1998 (Site 2). Respondents failed to establish and maintain programs of adequate veterinary care that included the availability of appropriate personnel to comply with the Regulations and Standards, and, specifically, respondents failed to have personnel available to accurately identify animals, and to accurately and completely record veterinary information related to animals. 9 C.F.R. § 2.40(b)(1).

k. September 25, 1998 (Site 2). Respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent control, diagnose, and treat diseases and injuries, and, specifically, respondents failed to accurately identify animals, and to accurately and completely record veterinary information related to animals. 9 C.F.R. § 2.40(b)(2).

l. September 25, 1998 (Site 2). Respondents failed to establish and maintain

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programs of adequate veterinary care that included daily observation of all animals to assess their health and well-being, and, specifically, respondents failed to accurately identify animals, and to accurately and completely record veterinary information related to animals, and thereby impeded their own ability to observe each animal, and to convey accurate information as to the animals' health, behavior and well-being to respondents' attending veterinarian. 9 C.F.R. § 2.40(b)(3).

m. September 25, 1998 (Site 2). Respondents failed to establish and maintain programs of adequate veterinary care that include the availability of appropriate facilities, and specifically, housed chimpanzees in poorly-designed and structurally-unsafe enclosures, resulting in the death of at least one chimpanzee that respondents had immobilized in an unsafe enclosure. 9 C.F.R. § 2.40(b)(1).

n. September 25, 1998 (Site 2). Respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent diseases, and, specifically, respondents do not require employees who come into contact with nonhuman primates to be tested for tuberculosis, which is highly contagious and easily transmitted from humans to nonhuman primates. 9 C.F.R. § 2.40(b)(2).

o. September 25, 1998 (Site 2). Respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent diseases, and, specifically, respondents failed to correct the severe fly and rodent infestation at respondents' facility, most notably in the lion, zebra, llama and swine enclosures, and which represents a serious disease risk for animals. 9 C.F.R. § 2.40(b)(2).

p. September 25, 1998 (Site 2). Respondents failed to have their attending

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veterinarian provide adequate veterinary care to their animals, and specifically failed to obtain treatment for a lion whose ears have visible blood and cracking from multiple insect bites. 9 C.F.R. § 2.40(a).

q. September 25, 1998 (Site 2). Respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to treat injuries, and, specifically, respondents failed to obtain treatment for a lion whose ears have visible blood and cracking from multiple insect bites. 9 C.F.R. § 2.40(b)(2).

r. September 25, 1998 (Site 2). Respondents failed to establish and maintain programs of adequate veterinary care that included the availability of appropriate personnel to comply with the Regulations and Standards, and, specifically, respondents failed to establish formalized training for personnel and volunteers who care for and handle respondents' animals, and failed to adequately train said personnel and volunteers in animal husbandry and animal care. 9 C.F.R. § 2.40(b)(1).

s. September 25, 1998 (Site 2). Respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent diseases, and, specifically, respondents failed to establish formalized training for personnel and volunteers who care for and handle respondents' animals, and failed to adequately train said personnel and volunteers in animal husbandry and animal care. 9 C.F.R. § 2.40(b)(1).

t. September 25, 1998 (Site 2). Respondents failed to establish and maintain programs of adequate veterinary care that include the availability of appropriate facilities, and specifically, respondents' baby animal trailers are structurally unsound, unclean, unsanitary, inadequately constructed, cluttered, unsafely lit, have inadequate drainage, and

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contain evidence of rodent infestation. 9 C.F.R. § 2.40(b)(1).

u. September 25, 1998 (Site 2). Respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate equipment and methods to prevent, control and treat diseases and injuries, and, specifically, respondents maintained expired or ineffective drugs in respondents' baby animal trailers for animal use, to wit:

- i. Nitrofurazone that had expired July 1993; and
- ii. Tetracycline that had expired June 1998. 9 C.F.R. §§ 2.40(b)(1), 2.40(b)(2).

v. December 1, 1998 (Site 1). Respondents failed to establish and maintain programs of adequate veterinary care that included the availability of appropriate personnel to comply with the Regulations and Standards, and, specifically, respondents failed to establish formalized training for personnel and volunteers who care for and handle respondents' animals, and failed to adequately train said personnel and volunteers in animal husbandry and animal care. 9 C.F.R. § 2.40(b)(1).

w. December 1, 1998 (Site 1). Respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent diseases, and, specifically, respondents failed to establish formalized training for personnel and volunteers who care for and handle respondents' animals, and failed to adequately train said personnel and volunteers in animal husbandry and animal care. 9 C.F.R. § 2.40(b)(2).

x. December 1, 1998 (Site 1). Respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent

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diseases, and, specifically, respondents failed to inform employees and volunteers who come into contact with animals of the diseases that can be communicated by nonhuman primates, of methods to minimize those risks, and of the danger of transmitting contagious diseases from humans to animals, in particular nonhuman primates. 9 C.F.R. § 2.40(b)(2).

y. December 1, 1998 (Sites 1 & 2). Respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent diseases, and, specifically, respondents failed to train employees and volunteers who handle food for animals, of the diseases that can be communicated to animals by improper food handling and preparation, unsanitary handling procedures, and inadequate pest control. 9 C.F.R. § 2.40(b)(2).

z. December 1, 1998 (Site 2). Respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent diseases, and, specifically, respondents failed to train employees and volunteers who handle food for animals, of the diseases that can be communicated to animals by improper food handling and preparation, unsanitary handling procedures, and inadequate pest control. 9 C.F.R. § 2.40(b)(2).

aa. December 1, 1998 (Site 2). Respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent diseases, and, specifically, respondents failed to establish formalized training for personnel and volunteers who care for and handle respondents' animals, and failed to adequately train said personnel and volunteers in animal husbandry and animal care. 9 C.F.R. § 2.40(b)(2).

bb. December 1, 1998 (Site 2). Respondents failed to establish and maintain

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programs of adequate veterinary care that included the use of appropriate methods to prevent diseases, and, specifically, respondents failed to inform employees and volunteers who come into contact with animals of the diseases that can be communicated by animals, of methods to minimize those risks, and of the danger of transmitting contagious diseases from humans to animals, in particular nonhuman primates. 9 C.F.R. § 2.40(b)(2).

ec. December 1, 1998 (Site 3). Respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent control, diagnose, and treat diseases and injuries, and, specifically, respondents failed to accurately and completely record veterinary information related to animals, particularly chimpanzees. 9 C.F.R. § 2.40(b)(2).

dd. December 1, 1998 (Site 3). Respondents failed to establish and maintain programs of adequate veterinary care that included daily observation of all animals to assess their health and well-being, and, specifically, respondents failed to accurately and completely record veterinary information related to the chimpanzee named "Arden" (there are no records of, *inter alia*, the movement of the animal from one location to another during treatment, or the daily changes in the animal's condition) and thereby impeded their own ability to observe each animal, and to convey accurate information as to the animals' health, behavior and well-being to respondents' attending veterinarian. 9 C.F.R. § 2.40(b)(3).

cc. December 1, 1998 (Site 3). Respondents failed to establish and maintain programs of adequate veterinary care that included daily observation of all animals to assess their health and well-being, and, specifically, respondents failed to accurately and completely record veterinary information related to the chimpanzee named "Post" (there are no records

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of, *inter alia*, the sedation of the animal before his fall, the head injury that the animal sustained in the fall that led to his death, or any monitoring by respondents' thereafter) and thereby impeded their own ability to convey accurate information as to the animals' health, behavior and well-being to respondents' attending veterinarian. 9 C.F.R. § 2.40(b)(3).

ff. December 1, 1998 (Site 3). Respondents failed to establish and maintain programs of adequate veterinary care that included daily observation of all animals to assess their health and well-being, and, specifically, respondents failed to accurately and completely record veterinary information related to the chimpanzee named "Duane" (there are no records of, *inter alia*, observations by the respondents' attending veterinarian of the removal of stitches from the animal's head injury, and the recovery from same), and thereby impeded their own ability to observe each animal, and to convey accurate information as to the animals' health, behavior and well-being to respondents' attending veterinarian. 9 C.F.R. § 2.40(b)(3).

gg. December 1, 1998 (Site 3). Respondents failed to establish and maintain programs of adequate veterinary care that include daily observation of all animals to assess their health and well-being, and specifically, housed animals in crowded conditions and with poor lighting in area "Q2", which impedes accurate observation of the animals. 9 C.F.R. § 2.40(b)(3).

hh. December 1, 1998 (Site 3). Respondents failed to establish and maintain programs of adequate veterinary care that include the availability of appropriate facilities, and specifically, housed animals in area "Q2" structurally-unsafe and inadequately-designed enclosures. 9 C.F.R. § 2.40(b)(1).

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ii. December 1, 1998 (Site 3). Respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent diseases, and, specifically, respondents failed to establish formalized training for personnel and volunteers who care for and handle respondents' animals, and failed to adequately train said personnel and volunteers in animal husbandry and animal care. 9 C.F.R. § 2.40(b)(1).

jj. December 1, 1998 (Site 3). Respondents failed to establish and maintain programs of adequate veterinary care that included the availability of appropriate personnel to comply with the Regulations and Standards, and, specifically, respondents failed to establish formalized training for personnel and volunteers who care for and handle respondents' animals, and failed to adequately train said personnel and volunteers in animal husbandry and animal care. 9 C.F.R. § 2.40(b)(1).

kk. December 1, 1998 (Site 3). Respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent diseases, and, specifically, respondents failed to correct the severe rodent infestation at respondents' facility, which represents a serious disease risk for nonhuman primates. 9 C.F.R. § 2.40(b)(2).

ll. December 1, 1998 (Site 3). Respondents failed to establish and maintain programs of adequate veterinary care that include the availability of appropriate facilities, and specifically, respondents' kitchen is structurally unsound, unclean, unsanitary, and contains evidence of significant rodent infestation. 9 C.F.R. § 2.40(b)(1).

mm. March 26, 1999 (Site 1). Respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent

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diseases, and, specifically, respondents do not require employees and volunteers who come into contact with nonhuman primates to be tested for tuberculosis, which is highly contagious and easily transmitted from humans to nonhuman primates. 9 C.F.R. § 2.40(b)(2).

nn. March 26, 1999 (Site 1). Respondents failed to establish and maintain programs of adequate veterinary care that included the availability of appropriate personnel to comply with the Regulations and Standards, and, specifically, respondents failed to have personnel available to accurately identify animals, and to accurately and completely record veterinary information related to animals. 9 C.F.R. § 2.40(b)(1).

oo. March 26, 1999 (Site 1). Respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent control, diagnose, and treat diseases and injuries, and, specifically, respondents failed to accurately identify animals, and to accurately and completely record veterinary information related to animals. 9 C.F.R. § 2.40(b)(2).

pp. June 22, 2000 (Site 1). Respondents failed to establish and maintain programs of adequate veterinary care that included the availability of appropriate personnel to comply with the Regulations and Standards, and, specifically, respondents failed to have personnel available to accurately identify animals, and to accurately and completely record veterinary information related to animals. 9 C.F.R. § 2.40(b)(1).

qq. June 22, 2000 (Site 1). Respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent control, diagnose, and treat diseases and injuries, and, specifically, respondents failed to accurately identify animals, and to accurately and completely record veterinary information

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related to animals. 9 C.F.R. § 2.40(b)(2).

π. June 22, 2000 (Site 1). Respondents failed to establish and maintain programs of adequate veterinary care that include the availability of appropriate facilities, and specifically, housed animals in area "Q1" in structurally-unsafe and inadequately-designed enclosures. 9 C.F.R. § 2.40(b)(1).

ss. June 22, 2000 (Site 1). Respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to treat diseases and injuries, and specifically for anesthetizing animals, as required by section 9 C.F.R. § 2.40(b)(2).

tt. June 22, 2000 (Site 1). Respondents failed to establish and maintain programs of adequate veterinary care that included daily observation of all animals in the "Q2" area, in that observation of all animals was impeded by the opaque materials used in the enclosures, crowded housing conditions and insufficient lighting. 9 C.F.R. § 2.40(b)(2).

uu. May 10, 2001 (Site 1). Respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to treat diseases and injuries, and specifically for anesthetizing animals, as required by section 9 C.F.R. § 2.40(b)(2).

vv. May 10, 2001 (Site 3). Respondents failed to establish and maintain programs of adequate veterinary care that include daily observation of all animals to assess their health and well-being, and specifically, housed animals in crowded conditions and with poor lighting, which impedes accurate observation of the animals. 9 C.F.R. § 2.40(b)(3).

ww. May 10, 2001 (Site 1). Respondents failed to establish and maintain programs

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of adequate veterinary care that include the availability of appropriate facilities, and specifically, housed animals in area "Q2" in unrepaired and inadequately-designed enclosures. 9 C.F.R. § 2.40(b)(1).

xx. May 10, 2001 (Site 1). Respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent diseases, and, specifically, respondents failed to correct the severe rodent infestation in section 6 at respondents' facility, which represents a serious disease risk for animals. 9 C.F.R. § 2.40(b)(2).

yy. August 15, 2001 (Site 1). Respondents failed to establish and maintain programs of adequate veterinary care that include daily observation of all animals to assess their health and well-being, and specifically, housed animals in crowded conditions and with poor lighting in area "Q1", which impedes accurate observation of the animals. 9 C.F.R. § 2.40(b)(3).

zz. August 15, 2001 (Site 1). Respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to treat diseases and injuries, and specifically for anesthetizing animals, as required by section 9 C.F.R. § 2.40(b)(2).

aaa. August 15, 2001 (Site 1). Respondents failed to establish and maintain programs of adequate veterinary care that include the availability of appropriate facilities, and specifically, housed animals in area "Q2" in structurally-, overcrowded and inadequately-designed enclosures. 9 C.F.R. § 2.40(b)(1).

bbb. August 15, 2001 (Site 1). Respondents failed to establish and maintain

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programs of adequate veterinary care that include the availability of appropriate facilities, and specifically, lacked appropriate facilities for isolating and anesthetizing non-human primates. 9 C.F.R. § 2.40(b)(1).

ccc. September 26, 2001 (Site 1). Respondents failed to establish and maintain programs of adequate veterinary care that include the availability of appropriate facilities, and specifically, lacked appropriate facilities for isolating and anesthetizing non-human primates. 9 C.F.R. § 2.40(b)(1).

ddd. September 26, 2001 (Site 1). Respondents failed to establish and maintain programs of adequate veterinary care that include the availability of appropriate facilities, and specifically, housed animals in area "Q2" in structurally-unsafe, overcrowded and inadequately-designed enclosures. 9 C.F.R. § 2.40(b)(1).

eee. May 13, 2002 (Site 1). Respondents failed to establish and maintain programs of adequate veterinary care that include daily observation of all animals to assess their health and well-being, and specifically, housed animals in crowded conditions and with poor lighting in area "Q1", which impedes accurate observation of the animals. 9 C.F.R. § 2.40(b)(3).

fff. May 13, 2002 (Site 1). Respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to treat diseases and injuries, and specifically for anesthetizing animals, as required by section 9 C.F.R. § 2.40(b)(2).

ggg. May 13, 2002 (Site 1). Respondents failed to establish and maintain programs of adequate veterinary care that include the availability of appropriate facilities, and

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specifically, housed animals in area "Q2" in structurally-unsafe, overcrowded and inadequately-designed enclosures. 9 C.F.R. § 2.40(b)(1).

hhh. May 13, 2002 (Site 1). Respondents failed to establish and maintain programs of adequate veterinary care that include the availability of appropriate facilities, and specifically, lacked appropriate facilities for isolating and anesthetizing non-human primates. 9 C.F.R. § 2.40(b)(1).

iii. May 13, 2002 (Site 1). Respondents failed to establish and maintain programs of adequate veterinary care that include the availability of appropriate facilities, and specifically, lacked appropriate facilities for storing and preparing medications. 9 C.F.R. § 2.40(b)(1).

jjj. August 20, 2002 (Site 1). Respondents failed to establish and maintain programs of adequate veterinary care that include the availability of appropriate facilities, and specifically, lacked appropriate facilities for isolating and anesthetizing non-human primates. 9 C.F.R. § 2.40(b)(1)

kkk. August 20, 2002 (Site 1). Respondents failed to establish and maintain programs of adequate veterinary care that include the availability of appropriate facilities, and specifically, housed animals in area "Q2" in structurally-unsafe, overcrowded and inadequately-designed enclosures. 9 C.F.R. § 2.40(b)(1).

lll. August 20, 2002 (Site 1). Respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent and treat diseases, and specifically for preventing the spread of contagious diseases among non-human primates, as required by section 9 C.F.R. § 2.40(b)(2).

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mmm. August 20, 2002 (Site 1). Respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent diseases, and, specifically, respondents failed to correct the severe rodent infestation in area Q2 at respondents' facility, which represents a serious disease risk for animals. 9 C.F.R. § 2.40(b)(2).

NONCOMPLIANCE WITH REGULATIONS GOVERNING  
HANDLING OF ANIMALS

10. Respondents Martine Colette and Wildlife Waystation willfully violated the handling regulations (9 C.F.R. § 2.131), as follows:

a. April 24 and 28, 1998 (Site 3). Respondents exhibited animals under conditions that are inconsistent with the animals' well-being, and specifically, respondents exhibited chimpanzees in overcrowded and structurally-unsound enclosures, which permitted the animals to have direct contact with people. 9 C.F.R. § 2.131(c)(1).

b. April 24 and 28, 1998 (Site 3). Respondents failed to take appropriate measures to alleviate that impact of climatic conditions that present a threat to the health and well being of chimpanzee, and specifically, respondents housed chimpanzees in enclosures in which the level of humidity was inordinately high, due to the structure of the enclosures, and residual water in the enclosures. 9 C.F.R. § 2.131(d).

c. September 25, 1998 (Site 2). Respondents failed to handle animals as expeditiously and carefully as possible in a manner that does not cause trauma or physical harm, and specifically, respondents attempted to immobilize at least one chimpanzee ("Post") in an enclosure that allowed the animal to climb after attempted immobilization, and animal fell, hit its head, and died from head injury. 9 C.F.R. § 2.131(a)(1).

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d. June 22, 2000 (Site 1). Respondents failed to handle animals as expeditiously and carefully as possible in a manner that does not cause trauma or physical harm, and specifically, respondents immobilize animals in large primary enclosures, and do not use a "catch cage." 9 C.F.R. § 2.131(a)(1).

e. May 10, 2001 (Site 1). Respondents failed to handle animals as expeditiously and carefully as possible in a manner that does not cause trauma or physical harm, and specifically, respondents immobilize animals in large primary enclosures, and do not use a "catch cage." 9 C.F.R. § 2.131(a)(1).

f. May 10, 2001 (Site 1). Respondents exhibited animals under conditions that are inconsistent with the animals' well-being, and specifically, respondents exhibited chimpanzees in overcrowded and structurally-unsound enclosures, which permitted the animals to have direct contact with people. 9 C.F.R. § 2.131(c)(1).

g. September 26, 2001 (Site 1). Respondents failed to handle animals as expeditiously and carefully as possible in a manner that does not cause trauma or physical harm, and specifically, respondents attempted to immobilize animals in large primary enclosures, without using a "catch cage," and a sedated chimp was able to grab one of respondents' employees, drawing him toward the primary enclosure, where another chimp bit the employee, resulting in the amputation of part of the employee's finger. 9 C.F.R. § 2.131(a)(1).

NONCOMPLIANCE WITH STANDARDS GOVERNING  
HUMANE HANDLING, CARE, AND TREATMENT OF NONHUMAN PRIMATES

11. Respondents Martine Colette and Wildlife Waystation willfully violated section

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2.100(a) of the Regulations by failing to meet the minimum facilities and operating standards for nonhuman primates (9 C.F.R. §§ 3.75-3.92), as follows:

a. **3.75 Housing facilities, general**

i. April 24 and 28, 1998 (Site 3). Respondents failed to design and construct housing facilities for nonhuman primates so that they are structurally sound, and specifically, respondents exhibited chimpanzees in area Q2 in enclosures constructed in part with plastic. 9 C.F.R. § 3.75(a).

ii. April 24 and 28, 1998 (Site 3). Respondents failed to keep housing facilities for nonhuman primates in good repair, and specifically, respondents housed chimpanzees in enclosures area Q2 in which the level of humidity was inordinately high, due to the structure of the enclosures, and residual water in the enclosures. 9 C.F.R. § 3.75(a).

iii. April 24 and 28, 1998 (Site 3). Respondents housed nonhuman primates in facilities that did not protect the animals from injury, and specifically, respondents housed chimpanzees in enclosures that were overcrowded. 9 C.F.R. § 3.75(a).

iv. April 24 and 28, 1998 (Site 3). Respondents housed nonhuman primates in facilities that did not protect the animals from injury, and specifically, respondents housed chimpanzees in enclosures that allow the animals therein to extend their limbs outside of the enclosure, and to have direct contact with individuals passing by, which increases the risk of injury and disease transmission. 9 C.F.R. § 3.75(a).

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v. April 24 and 28, 1998 (Site 3). Respondents failed to ensure that the surfaces of housing facilities be constructed of materials that allow them to be readily cleaned and sanitized, or removed and replaced, and specifically, respondents housed a Capuehin named "Cebus" in a den box made of unsealed wood. 9 C.F.R. § 3.75(c)(1).

vi. April 24 and 28, 1998 (Site 3). Respondents failed to store supplies of food in a manner that protects them from spoilage, contamination and vermin infestation, and to store them off of the ground, and specifically, respondents stored open boxes of fruits and vegetables under a tree on the ground, thereby inviting contamination and vermin infestation by providing a ready source of food for pests. 9 C.F.R. § 3.75(c).

vii. April 24 and 28, 1998 (Site 3). Respondents failed to provide for the regular and frequent collection and removal of food waste, trash and debris, and specifically, maintained unused materials and open containers of trash on premises, thereby providing a habitat and ready source of food for pests. 9 C.F.R. § 3.175(f).

viii. April 24 and 28, 1998 (Site 3). Respondents failed to store supplies of food in a manner that protects them from spoilage, contamination and vermin infestation, and to store them off of the ground, and specifically, respondents placed boxes of produce on the ground outside the kitchen area, and in a location where blood from thawing meat would run. 9 C.F.R. § 3.75(e).

ix. April 24 and 28, 1998 (Site 3). Respondents failed to ensure that the surfaces of housing facilities be constructed of materials that allow them to be readily

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cleaned and sanitized, or removed and replaced, and specifically, the walls and doors of respondents' hospital are chewed (doors) or otherwise unsealed (walls). 9 C.F.R. § 3.75(c)(1).

x. April 24 and 28, 1998 (Site 3). Respondents failed to spot-clean hard surfaces of primary enclosures for nonhuman primates daily, and failed to sanitize enclosures, and specifically, failed to adequately clean and sanitize the enclosure housing Capuehins (Josephine and Cappy), the surfaces of which had a build-up of black grime. 9 C.F.R. § 3.75(c)(3).

xi. April 24 and 28, 1998 (Site 3). Respondents failed to maintain surfaces of primary enclosures for nonhuman primates on a regular basis, and specifically, failed to replace torn wood in the shelter box in the large center enclosure in Q2 area has torn wood. 9 C.F.R. § 3.75(c)(3).

xii. April 24 and 28, 1998 (Site 3). Respondents failed to clean the surfaces of primary enclosures for nonhuman primates on a regular basis, and specifically, failed to rake or spot clean floor of the enclosure housing a rhesus macaque monkey (Joey), with sufficient frequency, thus allowing a build-up of excreta and food debris. 9 C.F.R. § 3.75(c)(3).

xiii. April 24 and 28, 1998 (Site 3). Respondents failed to maintain the surfaces of primary enclosures for nonhuman primates on a regular basis, and specifically, failed to rake or spot clean floor of the enclosure housing a rhesus macaque monkey (Joey), with sufficient frequency, thus allowing a build-up of excreta and food debris. 9 C.F.R. § 3.75(c)(3).

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xiv. April 24 and 28, 1998 (Site 3). Respondents failed to maintain the surfaces of housing facilities on a regular basis and to clean and sanitize surfaces when necessary to satisfy generally-accepted husbandry standards, and specifically, the surfaces of enclosures housing macaques (Hansi and Junior), capuchins (Josephine) and rhesus monkeys (Joey) were not maintained, cleaned or sanitized as required. 9 C.F.R. §§ 3.75(c)(2), 3.75(c)(3).

xv. September 25, 1998 (Site 2 upper half). Respondents failed to have adequate facilities to maintain cleanliness among animal caretakers, and specifically, failed to have readily accessible washrooms, basins or sinks available for caretakers to use. 9 C.F.R. § 3.75(c).

xvi. December 1, 1998 (Site 3). Respondents housed nonhuman primates in facilities that did not protect the animals from injury, and specifically, respondents housed chimpanzees in enclosures in Q2 area that allow the animals therein to extend their limbs outside of the enclosure, and to have direct contact with individuals passing by, which increases the risk of injury and disease transmission. 9 C.F.R. § 3.75(a).

xvii. December 1, 1998 (Site 3). Respondents failed to keep housing facilities for nonhuman primates good repair, and specifically, respondents housed animals in enclosures in area Q2 whose structural elements (posts, siding) were rotting. 9 C.F.R. § 3.75(a).

xviii. December 1, 1998 (Site 3). Respondents housed nonhuman primates in facilities that did not protect the animals from injury, and specifically, respondents

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housed animals in overcrowded, poorly-lit enclosures in Q2 area. 9 C.F.R. § 3.75(a).

xix. December 1, 1998 (Site 3). Respondents failed to store supplies of food in a manner that protects them from spoilage, contamination and vermin infestation, and to store them off of the ground, and specifically, respondents stored open boxes of fruits and vegetables in kitchen area, thereby inviting contamination and vermin infestation by providing a ready source of food for pests, including a rat observed during inspection eating from the boxes. 9 C.F.R. § 3.75(e).

xx. December 1, 1998 (Site 3). Respondents failed to provide for the regular and frequent collection and removal of food waste, trash and debris, and specifically, maintained unused materials and open containers of trash on premises, thereby providing a habitat and ready source of food for pests. 9 C.F.R. § 3.75(f).

xxi. December 1, 1998 (Site 3). Respondents failed to store supplies of food in a manner that protects them from spoilage, contamination and vermin infestation, and to store them off of the ground, and specifically, respondents placed boxes of produce on the ground outside the kitchen area, and in a location where blood from thawing meat would run. 9 C.F.R. § 3.75(e).

xxii. June 22, 2000 (Site 1). Respondents failed to construct housing facilities for primates so that they are structurally sound and failed to maintain them in good repair to protect the animals from injury and to contain the animals, and specifically, there were openings in the side walls of the enclosures and in the roof sections. 9 C.F.R. § 3.75(a).

xxiii. May 10, 2001 (Site 1). Respondents housed nonhuman primates in

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facilities that did not protect the animals from injury, and specifically, respondents housed chimpanzees in enclosures that were overcrowded. 9 C.F.R. § 3.75(a).

xxiv. August 15, 2001 (Site 1). Respondents housed nonhuman primates in facilities that did not protect the animals from injury, and specifically, respondents housed chimpanzees in enclosures that were overcrowded. 9 C.F.R. § 3.75(a).

xxv. November 20, 2001 (Site 1). Respondents housed nonhuman primates in facilities that did not protect the animals from injury, and specifically, respondents housed chimpanzees in enclosures that were overcrowded. 9 C.F.R. § 3.75(a).

xxvi. May 13, 2002 (Site 1). Respondents housed nonhuman primates in facilities that did not protect the animals from injury, and specifically, respondents housed chimpanzees in enclosures that were overcrowded. 9 C.F.R. § 3.75(a).

xxvii. August 20, 2002 (Site 1). Respondents housed nonhuman primates in facilities that did not protect the animals from injury, and specifically, respondents housed chimpanzees in enclosures that were overcrowded. 9 C.F.R. § 3.75(a).

b. **3.76 Indoor housing facilities**

i. May 10, 2001 (Site 1). Respondents failed to provide sufficient ventilation at all times, and specifically, respondents provide no ventilation for the upper part of animal enclosures, and enclosures lack ventilation in cold weather. 9 C.F.R. § 3.76(b).

c. **3.77 Sheltered housing facilities**

i. June 22, 2000. Respondents failed to provide sufficient lighting in the sheltered part of sheltered facilities in Q2 area. 9 C.F.R. § 3.77(c).

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ii. June 22, 2000. Respondents failed to provide sufficient space for the animals in sheltered facilities in Q2 area. 9 C.F.R. § 3.77(e).

d. **3.78 Outdoor housing facilities**

i. April 24 and 28, 1998 (Site 3). Respondents failed to provide nonhuman primates with adequate shelter from the elements at all times, and specifically respondents' outdoor housing facilities for baboons ("Valentino," *et al.*) would not protect the animals from wind, sun and rain. 9 C.F.R. § 3.78(b).

ii. December 1, 1998 (Site 3). Respondents housed nonhuman primates in facilities that did not provide a barrier between the animals and members of the public, and specifically allowed individuals passing by to have direct contact with the animals, which increases the risk of injury and disease transmission. 9 C.F.R. § 3.78(e).

iii. December 1, 1998 (Site 3). Respondents failed to provide nonhuman primates with adequate shelter from the elements at all times, and specifically respondents' outdoor housing facilities for chimpanzees would not protect the animals from rain. 9 C.F.R. § 3.78(b).

iv. December 1, 1998 (Site 3). Respondents failed to provide nonhuman primates with adequate shelter from the elements at all times, and specifically respondents' outdoor housing facilities for baboons ("Valentino," *et al.*) would not protect the animals from wind, sun and rain. 9 C.F.R. § 3.78(b).

e. **3.80 Primary enclosures**

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i. April 24 and 28, 1998 (Site 3). Respondents failed to keep primary enclosures for nonhuman primates in good repair, and specifically, chain link in baboon enclosure for "Spanky" has not been repaired. 9 C.F.R. § 3.80(a)(1).

ii. April 24 and 28, 1998 (Site 3). Respondents failed to construct and maintain primary enclosures for nonhuman primates so that they have no sharp points or edges that could injure the animals housed therein, and specifically, the lower edge of the baboon enclosure for "Spanky" has sharp pointed ends of chain link accessible to the animal. 9 C.F.R. §§ 3.80(a)(2)(i), 3.80(a)(2)(ii).

iii. April 24 and 28, 1998 (Site 3). Respondents failed to keep primary enclosures for nonhuman primates in good repair, and specifically, trailer emergency cages in Q2 area have not been repaired. 9 C.F.R. § 3.80(a)(1).

iv. April 24 and 28, 1998 (Site 3). Respondents failed to construct and maintain primary enclosures for nonhuman primates so that they have no sharp points or edges that could injure the animals housed therein, and specifically, the wire mesh and bars of the trailer emergency cages in Q2 area are bent and have sharp points and edges accessible to any animal therein. 9 C.F.R. §§ 3.80(a)(2)(i), 3.80(a)(2)(ii).

v. April 24 and 28, 1998 (Site 3). Respondents failed to construct and maintain primary enclosures for nonhuman primates so that they have no sharp edges that could injure primates, and enable the animals to remain dry and clean, and specifically, the shelter box in the large center enclosure in Q2 area has torn wood, and lacks floor boards. 9 C.F.R. §§ 3.80(a)(2)(iii), 3.80(a)(2)(v).

vi. April 24 and 28, 1998 (Site 3). Respondents failed to construct and

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maintain primary enclosures for nonhuman primates so that they enable the animal to remain dry and clean, and specifically, the enclosure housing a rhesus macaque monkey (Jocy) has a dirt floor that is inadequately maintained and cleaned, allowing a build-up of excreta and food debris. 9 C.F.R. § 3.80(a)(2)(v).

vii. December 1, 1998 (Site 3). Respondents failed to construct and maintain primary enclosures for nonhuman primates so that they enable the animal to remain dry and clean, and specifically, respondents' outdoor housing facilities for chimpanzees would not protect the animals from rain. 9 C.F.R. § 3.80(a)(2)(v).

viii. December 1, 1998 (Site 3). Respondents failed to construct and maintain primary enclosures for nonhuman primates so that they are structurally sound, and specifically, chain link mesh in respondents' outdoor housing facilities for nonhuman primates in Q2 area was not securely fastened to pole supports. 9 C.F.R. § 3.80(a)(1).

ix. December 1, 1998 (Site 3). Respondents failed to construct and maintain primary enclosures for nonhuman primates so that they protect the animals from injury, and specifically, rope furnishings in disrepair in respondents' orangutan enclosures have loose strands that could easily entangle and injure animals. 9 C.F.R. § 3.80(a)(2)(ii).

x. May 10, 2001 (Site 1). Respondents failed to keep primary enclosures for nonhuman primates in good repair, and specifically, failed to repair den box in shift cage area for baboons, and cracked concrete flooring in baboon enclosure. 9 C.F.R. § 3.80(a)(1).

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xi. May 10, 2001 (Site 1). Respondents failed to construct and maintain primary enclosures for nonhuman primates so that they have no sharp points or edges that could injure the animals housed therein, and specifically, the den box in shift cage area of the baboon enclosure has sharp points of nails accessible to the animals. 9 C.F.R. §§ 3.80(a)(2)(i), 3.80(a)(2)(ii).

xii. May 10, 2001 (Site 1). Respondents failed to keep primary enclosures for nonhuman primates in good repair, and specifically, chimp enclosures have cracked and worn floors. 9 C.F.R. § 3.80(a)(1).

xiii. August 15, 2001 (Site 1). Respondents failed to keep primary enclosures for nonhuman primates in good repair, and specifically, baboon enclosure has cracked and worn floors. 9 C.F.R. § 3.80(a)(1).

xiii. August 15, 2001 (Site 1). Respondents failed to keep primary enclosures for nonhuman primates in good repair, and specifically, chimp enclosure has cracked and worn floors, and rusty caging. 9 C.F.R. § 3.80(a)(1).

xiv. August 15, 2001 (Site 1). Respondents failed to construct and maintain primary enclosures for nonhuman primates so that the surfaces in contact with the animals could be readily cleaned and sanitized as required, and specifically, the floors of the chimp enclosures are cracked and worn, and the cage wire is rusted. 9 C.F.R. § 3.80(a)(2)(ix).

xv. May 13, 2002 (Site 1). Respondents failed to keep primary enclosures for nonhuman primates in good repair, and specifically, chimp enclosure has cracked and worn floors. 9 C.F.R. § 3.80(a)(1).

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xvi. May 13, 2002 (Site 1). Respondents failed to construct and maintain primary enclosures for nonhuman primates so that the surfaces in contact with the animals could be readily cleaned and sanitized as required, and specifically, the floors of the chimp enclosures are cracked and worn. 9 C.F.R. § 3.80(a)(2)(ix).

xvii. May 13, 2002 (Site 1). Respondents failed to construct and maintain primary enclosures for nonhuman primates so that they are structurally sound, and specifically, chain link mesh in respondents' outdoor housing facilities for nonhuman primates in Q2 area is not secured, and the mesh has deformed, and is not of sufficient structural strength to withstand shaking and pulling by the chimpanzees housed therein. 9 C.F.R. § 3.80(a)(1).

xviii. August 20, 2002 (Site 1). Respondents failed to construct and maintain primary enclosures for nonhuman primates so that they are structurally sound, and specifically, chain link mesh in respondents' outdoor housing facilities for nonhuman primates in Q2 area is not secured, and the mesh has deformed, and is not of sufficient structural strength to withstand shaking and pulling by the chimpanzees housed therein. 9 C.F.R. § 3.80(a)(1).

xix. August 20, 2002 (Site 1). Respondents failed to keep primary enclosures for nonhuman primates in good repair, and specifically, chimp enclosure has cracked and worn floors. 9 C.F.R. § 3.80(a)(1).

xx. August 20, 2002 (Site 1). Respondents failed to construct and maintain primary enclosures for nonhuman primates so that the surfaces in contact with the animals could be readily cleaned and sanitized as required, and specifically,

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the floors of the chimp enclosures are cracked and worn. 9 C.F.R. § 3.80(a)(2)(ix).

f. **3.81 Environmental enhancement to promote psychological well-being**

i. April 24 and 28, 1998 (Site 3). Respondents failed to include in their environmental enhancement plan specific provisions addressing the social needs of the various species of nonhuman primates housed at respondents' facilities. 9 C.F.R. § 3.81(a).

ii. April 24 and 28, 1998 (Site 3). Respondents failed to include in their environmental enhancement plan evidence of consideration of species-specific differences in connection with type and method of enrichment. 9 C.F.R. § 3.81(b).

iii. April 24 and 28, 1998 (Site 3). Respondents failed to include in their environmental enhancement plan specific provisions addressing the social needs of infants and young juvenile nonhuman primates housed at respondents' facilities. 9 C.F.R. § 3.81(c)(1).

iv. April 24 and 28, 1998 (Site 3). Respondents failed to include in their environmental enhancement plan specific provisions addressing the social needs of singly-housed nonhuman primates at respondents' facilities. 9 C.F.R. § 3.81(c)(4).

v. April 24 and 28, 1998 (Site 3). Respondents failed to include in their environmental enhancement plan specific provisions addressing the social needs of great apes housed at respondents' facilities. 9 C.F.R. § 3.81(c)(5).

g. **3.82 Feeding**

i. April 24 and 28, 1998 (Site 3). Respondents failed to provide animals with food that was clean and wholesome. 9 C.F.R. § 3.82(a).

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ii. April 24 and 28, 1998 (Site 3). Respondents failed to locate food and food receptacles in an area that would minimize risk of contamination by pests. 9 C.F.R. § 3.82(a).

iii. December 1, 1998 (Site 3). Respondents failed to provide animals with food that was clean and wholesome. 9 C.F.R. § 3.82(a).

iv. December 1, 1998 (Site 3). Respondents failed to locate food and food receptacles in an area that would minimize risk of contamination by pests. 9 C.F.R. § 3.82(a).

v. May 10, 2001 (Site 1). Respondents failed to keep food receptacles clean and sanitized, and specifically failed to remove build-up of food debris from receptacles used to feed macaques (Bianca and Junior). 9 C.F.R. § 3.82(d).

**h. 3.84 Cleaning, sanitization, housekeeping, and pest control**

i. April 24 and 28, 1998 (Site 3). Respondents failed to establish and maintain an adequate program of pest control, and specifically, failed to take minimally-adequate steps to eradicate respondents' rodent infestation near capuchin enclosures. 9 C.F.R. § 3.84(d).

ii. April 24 and 28, 1998 (Site 3). Respondents failed to establish and maintain an adequate program of pest control, and specifically, failed to take minimally-adequate steps to eradicate respondents' rodent infestation in food preparation and storage areas. 9 C.F.R. § 3.84(d).

iii. April 24 and 28, 1998 (Site 3). Respondents failed to keep premises clean and in good repair to facilitate the husbandry practices required by the

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Regulations and Standards, and specifically, had a build-up of dirt and food debris on the walls of the kitchen area. 9 C.F.R. § 3.84(c).

iv. April 24 and 28, 1998 (Site 3). Respondents failed to keep premises clean and in good repair to facilitate the husbandry practices required by the Regulations and Standards, and specifically, had extensive dirt, food debris and grime on the floor of the hospital. 9 C.F.R. § 3.84(c).

v. April 24 and 28, 1998 (Site 3). Respondents failed to establish and maintain an adequate program of pest control, and specifically, failed to take minimally-adequate steps to eradicate respondents' rodent infestation in the hospital. 9 C.F.R. § 3.84(d).

vi. April 24 and 28, 1998 (Site 3). Respondents failed to keep premises clean and in good repair to facilitate the husbandry practices required by the Regulations and Standards, and specifically, had missing floor tiles in trailer in Q2 area. 9 C.F.R. § 3.84(c).

vii. April 24 and 28, 1998 (Site 3). Respondents failed to keep premises clean and in good repair to facilitate the husbandry practices required by the Regulations and Standards, and specifically, respondents' refrigerator for primate food storage in Q1 area had buildup of moisture and food debris. 9 C.F.R. § 3.84(c).

viii. April 24 and 28, 1998 (Site 3). Respondents' procedure for cleaning primary enclosures housing nonhuman primates was to hose the enclosure with water from outside the enclosure, without removing the animals or ensuring that they would not be harmed or wetted, and specifically, respondents cleaned the enclosure housing

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two Capuchins (Josephine and Cappy) in this manner. 9 C.F.R. § 3.84(a).

ix. April 24 and 28, 1998 (Site 3). Respondents failed to sanitize primary enclosures housing nonhuman primates as often as necessary to prevent an excessive accumulation of dirt, waste and food waste, using a method in section 3.84(b)(3) of the Standards, and specifically, respondents failed to adequately sanitize the enclosure housing two Capuchins (Josephine and Cappy). 9 C.F.R. § 3.84(b)(2).

x. April 24 and 28, 1998 (Site 3). Respondents failed to sanitize primary enclosures housing nonhuman primates as prescribed in section 3.84(b)(3) of the Standards, and specifically, respondents used regular hose water, without steam, detergent, disinfectant or hot water, on the surfaces of the enclosure housing two Capuchins (Josephine and Cappy). 9 C.F.R. § 3.84(b)(2).

xi. April 24 and 28, 1998 (Site 3). Respondents failed to sanitize primary enclosures housing nonhuman primates in area Q1 as prescribed in section 3.84(b)(3) of the Standards, and specifically, respondents applied a 10% bleach solution on concrete-floored pens, by splashing the solution on the floors, and then hosing the solution out. 9 C.F.R. § 3.84(b)(2).

xii. April 24 and 28, 1998 (Site 3). Respondents failed to remove excreta from primary enclosures housing nonhuman primates as often as necessary to prevent an excessive accumulation of waste, and specifically, respondents failed to remove excreta from enclosure housing a pig-tailed macaque (Mac), as often as necessary, resulting in an excessive accumulation of feces in such enclosure. 9 C.F.R. § 3.84(a).

xiii. April 24 and 28, 1998 (Site 3). Respondents failed to remove excreta

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from primary enclosures housing nonhuman primates as often as necessary to prevent an excessive accumulation of waste, and specifically, respondents failed to remove excreta from enclosure housing a rhesus macaque (Joey), as often as necessary, resulting in an excessive accumulation of feces in such enclosure. 9 C.F.R. § 3.84(a).

xiv. April 24 and 28, 1998 (Site 3). Respondents failed to remove excreta from primary enclosures housing nonhuman primates as often as necessary to prevent an excessive accumulation of waste, and specifically, respondents failed to remove excreta from enclosure housing capuchins, as often as necessary, resulting in an excessive accumulation of feces in such enclosure. 9 C.F.R. § 3.84(a).

xv. December 1, 1998 (Site 3). Respondents failed to establish and maintain an adequate program of pest control, and specifically, failed to take minimally-adequate steps to eradicate the serious rodent infestation throughout respondents' facility and most notably, in respondents' food preparation and storage areas. 9 C.F.R. § 3.84(d).

xvi. May 10, 2001 (Site 1). Respondents failed to establish and maintain an adequate program of pest control, and specifically, failed to take minimally-adequate steps to eradicate respondents' rodent infestation in the hospital area. 9 C.F.R. § 3.84(d).

xvii. May 10, 2001 (Site 1). Respondents failed to establish and maintain an adequate program of pest control, and specifically, failed to take minimally-adequate steps to eradicate respondents' rodent infestation in animal enclosures, food preparation and storage areas. 9 C.F.R. § 3.84(d).

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xviii. May 10, 2001 (Site 1). Respondents failed to keep premises clean and in good repair to facilitate the husbandry practices required by the Regulations and Standards, and specifically, failed to remove accumulations of trash and junk from hospital area. 9 C.F.R. § 3.84(c).

xix. August 20, 2002 (Site 1). Respondents failed to establish and maintain an adequate program of pest control, and specifically, failed to take minimally-adequate steps to eradicate respondents' rodent infestation in Q2 area. 9 C.F.R. § 3.84(d).

xx. August 20, 2002 (Site 1). Respondents failed to keep premises clean and in good repair to facilitate the husbandry practices required by the Regulations and Standards, and specifically, failed to remove accumulations of food and rodent feces from Q2 enclosures and alleyways. 9 C.F.R. § 3.84(c).

i. **3.85 Employees**

i. April 24 and 28, 1998 (Site 3). Respondents failed to have enough employees to carry out the level of husbandry practices and care required by the Regulations and Standards. 9 C.F.R. § 3.85.

ii. April 24 and 28, 1998 (Site 3). Respondents failed to have a supervisor with adequate knowledge, background and experience in proper husbandry and care of nonhuman primates provide training and supervision to employees who handle or provide husbandry practices and care to nonhuman primates to carry out the level of husbandry practices and care required by the Regulations and Standards. 9 C.F.R. § 3.85.

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iii. April 24 and 28, 1998 (Site 3). Respondents failed to ensure that their animal care supervisor had the ability to provide training and supervision to employees who handle or provide husbandry practices and care to nonhuman primates to carry out the level of husbandry practices and care required by the Regulations and Standards. 9 C.F.R. § 3.85.

iv. December 1, 1998 (Site 2). Respondents failed to have enough employees to carry out the level of husbandry practices and care required by the Regulations and Standards. 9 C.F.R. § 3.85.

v. December 1, 1998 (Site 2). Respondents failed to have a supervisor with adequate knowledge, background and experience in proper husbandry and care of nonhuman primates provide training and supervision to employees who handle or provide husbandry practices and care to nonhuman primates to carry out the level of husbandry practices and care required by the Regulations and Standards. 9 C.F.R. § 3.85.

vi. December 1, 1998 (Site 2). Respondents failed to ensure that their animal care supervisor had the ability to provide training and supervision to employees who handle or provide husbandry practices and care to nonhuman primates to carry out the level of husbandry practices and care required by the Regulations and Standards. 9 C.F.R. § 3.85.

vii. December 1, 1998 (Site 3). Respondents failed to have enough employees to carry out the level of husbandry practices and care required by the Regulations and Standards. 9 C.F.R. § 3.85.

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viii. December 1, 1998 (Site 3). Respondents failed to have a supervisor with adequate knowledge, background and experience in proper husbandry and care of nonhuman primates provide training and supervision to employees who handle or provide husbandry practices and care to nonhuman primates to carry out the level of husbandry practices and care required by the Regulations and Standards. 9 C.F.R. § 3.85.

ix. December 1, 1998 (Site 3). Respondents failed to ensure that their animal care supervisor had the ability to provide training and supervision to employees who handle or provide husbandry practices and care to nonhuman primates to carry out the level of husbandry practices and care required by the Regulations and Standards. 9 C.F.R. § 3.85.

x. May 10, 2001 (Site 1). Respondents failed to have enough employees to carry out the level of husbandry practices and care required by the Regulations and Standards. 9 C.F.R. § 3.85.

xi. May 10, 2001 (Site 1). Respondents failed to have a supervisor with adequate knowledge, background and experience in proper husbandry and care of nonhuman primates provide training and supervision to employees who handle or provide husbandry practices and care to nonhuman primates to carry out the level of husbandry practices and care required by the Regulations and Standards. 9 C.F.R. § 3.85.

xii. May 10, 2001 (Site 1). Respondents failed to ensure that their animal care supervisor had the ability to provide training and supervision to employees who

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handle or provide husbandry practices and care to nonhuman primates to carry out the level of husbandry practices and care required by the Regulations and Standards. 9 C.F.R. § 3.85.

NONCOMPLIANCE WITH STANDARDS GOVERNING  
HUMANE HANDLING, CARE, AND TREATMENT OF OTHER ANIMALS

12. Respondents Martine Colette and Wildlife Waystation willfully violated section 2.100(a) of the Regulations by failing to meet the minimum facilities and operating standards for animals other than dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates and marine mammals (9 C.F.R. §§ 3.125-3.142), as follows:

a. 3.125 Facilities, general

i. September 25, 1998 (Site 2 upper half). Respondents failed to construct indoor and outdoor housing facilities so that they are structurally sound and failed to maintain them in good repair to protect the animals from injury, and specifically, failed to repair exposed wire ends of chain link protruding into wolf (Asia, etc.) enclosure at entrance to catch pen in section 2. 9 C.F.R. § 3.125(a).

ii. September 25, 1998 (Site 2 upper half). Respondents failed to construct indoor and outdoor housing facilities so that they are structurally sound and failed to maintain them in good repair to protect the animals from injury, and specifically, failed to repair eroded areas at rear of lion (Swahili, etc.) enclosure presenting large gaps between bottom of chain link fencing, and dirt floor, in Idaho area. 9 C.F.R. § 3.125(a).

iii. September 25, 1998 (Site 2 upper half). Respondents failed to construct indoor and outdoor housing facilities so that they are structurally sound and

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failed to maintain them in good repair to protect the animals from injury, and specifically, failed to repair exposed wire ends of chain link tree protector protruding into lion (Narok, etc.) enclosure in Idaho area. 9 C.F.R. § 3.125(a).

iv. September 25, 1998 (Site 2 upper half). Respondents failed to construct indoor and outdoor housing facilities so that they are structurally sound and failed to maintain them in good repair to protect the animals from injury, and specifically, failed to repair exposed pointed wire ends of chain link mesh protruding into javelina enclosure. 9 C.F.R. § 3.125(a).

v. September 25, 1998 (Site 2 upper half). Respondents failed to have adequate facilities to maintain cleanliness among animal caretakers, and specifically, failed to have adequate washrooms, basins or sinks available for caretakers to use. 9 C.F.R. § 3.125(e).

vi. September 25 1998 (Site 2 upper half). Respondents failed to provide for the removal and disposal of food waste, and specifically, failed to remove food waste from floors, walls and ceilings of baby animal trailer. 9 C.F.R. § 3.125(d).

vii. September 25 1998 (Site 2 upper half). Respondents failed to ensure that facilities were structurally sound and maintained in good repair, and specifically, failed to repair floors, walls and ceilings of baby animal trailer. 9 C.F.R. § 3.125(a).

viii. December 1, 1998 (Site 1). Respondents failed to store supplies of food in facilities that adequately protect against deterioration, molding or contamination by vermin, and specifically, respondents' thawing room contained a pile of debris, providing a habitat and ready source of food for at least thirty live

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rodents observed by APHIS inspectors. 9 C.F.R. § 3.125(c).

ix. December 1, 1998 (Site 1). Respondents failed to store supplies of food in facilities that adequately protect against deterioration, molding or contamination by vermin, and specifically, respondents thawed open wheelbarrow of meat outside without any personnel in attendance, subjecting the meat to contamination and providing a ready source of food for pests. 9 C.F.R. § 3.125(c).

x. December 1, 1998 (Site 1). Respondents failed to store supplies of food in facilities that adequately protect against deterioration, molding or contamination by vermin, and specifically, respondents' meat thawing room was constructed of unsealed wood on which blood and food residue accumulates. 9 C.F.R. § 3.125(c).

xi. December 1, 1998 (Site 1). Respondents failed to store supplies of food in facilities that adequately protect against deterioration, molding or contamination by vermin, and specifically, respondents' meat thawing room had broken windows that allow the entry of pests and rodents. 9 C.F.R. § 3.125(c).

xii. December 1, 1998 (Site 1). Respondents failed to store supplies of food in facilities that adequately protect against deterioration, molding or contamination by vermin, and specifically, respondents' meat thawing room is left open allowing the entry of pests and rodents. 9 C.F.R. § 3.125(c).

xiii. December 1, 1998 (Site 1). Respondents failed to store supplies of food in facilities that adequately protect against deterioration, molding or contamination by vermin, and specifically, respondents' outside food preparation

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area lacks adequate drainage or disposal for blood and food residue from thawing meat. 9 C.F.R. § 3.125(c).

xiv. December 1, 1998 (Site 1). Respondents failed to store supplies of food in facilities that adequately protect against deterioration, molding or contamination by vermin, and specifically, respondents' outside food preparation area lacks adequate drainage or disposal for blood and food residue from thawing meat. 9 C.F.R. § 3.125(c).

xv. December 1, 1998 (Site 1). Respondents failed to store supplies of food in facilities that adequately protect against deterioration, molding or contamination by vermin, and specifically, screens in respondents' food preparation have holes and gaps that provide access for pests. 9 C.F.R. § 3.125(c).

xvi. December 1, 1998 (Site 1). Respondents failed to store supplies of food in facilities that adequately protect against deterioration, molding or contamination by vermin, and specifically, respondents' food preparation area contained numerous open boxes of produce on the floor, and provided a ready source of food for at least one rat observed by APHIS inspectors eating produce from boxes. 9 C.F.R. § 3.125(c).

xvii. December 1, 1998 (Site 1). Respondents failed to store supplies of food in facilities that adequately protect against deterioration, molding or contamination by vermin, and specifically, respondents' storage room contained rodent droppings and urine. 9 C.F.R. § 3.125(c).

xviii. December 1, 1998 (Site 1). Respondents failed to provide for the

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removal of food waster, trash and debris, and specifically, respondents failed to remove same from their thawing room, thereby providing a habitat and ready source of food for at least thirty live rodents observed by APHIS inspectors. 9 C.F.R. § 3.125(d).

xix. June 22, 2000. Respondents failed to construct indoor and outdoor housing facilities so that they are structurally sound and failed to maintain them in good repair to protect the animals from injury and to contain the animals, and specifically, failed to repair gap under chain link fence in catch cage area. 9 C.F.R. § 3.125(a).

xx. May 10, 2001 (Site 1). Respondents failed to construct indoor and outdoor housing facilities so that they are structurally sound and failed to maintain them in good repair to protect the animals from injury, and specifically, failed to repair damaged enclosure containing lions (Cameroon and Swahili). 9 C.F.R. § 3.125(a).

xxi. May 10, 2001 (Site 1). Respondents failed to construct indoor and outdoor housing facilities so that they are structurally sound and failed to maintain them in good repair to protect the animals from injury, and specifically, failed to repair broken support for shelf in big top cage in Idaho area. 9 C.F.R. § 3.125(a).

h. 3.127 Facilities, outdoor

i. September 25, 1998 (Site 2 upper half). Respondents failed to provide adequate natural or artificial shelter for animals kept outdoors, and specifically failed to provide adequate shelter from inclement weather for five lions (Narok, etc.) in

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Idaho area. 9 C.F.R. § 3.127(b).

ii. September 25, 1998 (Site 2 upper half). Respondents failed to provide adequate natural or artificial shelter for animals kept outdoors, and specifically failed to provide adequate shelter from inclement weather for lions (Manyara, etc.) in Idaho area. 9 C.F.R. § 3.127(b).

iii. September 25, 1998 (Site 2 upper half). Respondents failed to provide a suitable method to rapidly eliminate excess water, and specifically failed to provide a method to eliminate standing water (and lint) adjacent to the enclosure housing a leopard (Zambuka), and which drains from respondents' hospital laundry. 9 C.F.R. § 3.127(c).

iv. May 10, 2001 (Site 1). Respondents failed to construct a perimeter fence that restricts animals and persons from going through or under it, and specifically a portion of the fence in Idaho area has an approximately 8-inch gap between sections of the gate. 9 C.F.R. § 3.127(d).

v. May 10, 2001 (Site 1). Respondents failed to construct a perimeter fence that restricts animals and persons from going through or under it, and specifically failed to repair a heavily-damaged portion of the fence in Idaho area. 9 C.F.R. § 3.127(d).

vi. May 13, 2002 (Site 1). Respondents failed to provide adequate shelter from sunlight for animals kept outdoors, and specifically failed to provide adequate shade to peccaries and coyotes. 9 C.F.R. § 3.127(a).

c. 3.128 Space

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i. September 25, 1998 (Site 2 upper half). Respondents failed to construct enclosures so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement, and specifically failed to provide adequate shelter enclosure for five lions (Narok, etc.) in Idaho area. 9 C.F.R. § 3.128.

ii. September 25, 1998 (Site 2 upper half). Respondents failed to construct enclosures so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement, and specifically failed to provide adequate shelter enclosure for lions (Manyara, etc.) in Idaho area. 9 C.F.R. § 3.128.

d. **3.129 Feeding**

i. December 1, 1998 (Site 1). Respondents failed to provide animals with food that was wholesome, palatable and free from contamination. 9 C.F.R. § 3.129.

ii. May 10, 2001 (Site 1). Respondents failed to place food so as to minimize contamination, and specifically, placed food for a jaguar (Dustin) directly on an unsealed wood board that already had a build-up of blood and food waste, and was attracting flies. 9 C.F.R. § 3.129.

e. **3.130 Watering**

i. September 25 1998 (Site 2 upper half). Respondents failed to ensure that potable water was provided to animals, and that water receptacles were clean and sanitary, and specifically, water was provided to animals from bucket that had been

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placed directly beneath open cutting board holding raw meat, allowing for contamination of water intended for animals. 9 C.F.R. § 3.130.

ii. May 10, 2001 (Site 1). Respondents failed to ensure that potable water was provided to animals, and that water receptacles were clean and sanitary, and specifically, water was provided to wolves in a pool that contained insects and debris, and the water contained therein was green and opaque. 9 C.F.R. § 3.130.

f. **3.131 Sanitation**

i. September 25 1998 (Site 2 upper half). Respondents failed to establish and maintain an adequate program of pest control, and specifically, failed to take minimally-adequate steps to control fly infestation in area housing lions (Manyara, etc.). 9 C.F.R. § 3.131(d).

ii. September 25 1998 (Site 2 upper half). Respondents failed to establish and maintain an adequate program of pest control, and specifically, failed to take minimally-adequate steps to control fly infestation in areas housing llama, pig and zebra. 9 C.F.R. § 3.131(d).

iii. September 25 1998 (Site 2 upper half). Respondents failed to establish and maintain an adequate program of pest control, and specifically, failed to take minimally-adequate steps to control rodent infestation throughout facility. 9 C.F.R. § 3.131(d).

iv. September 25 1998 (Site 2 upper half). Respondents failed to keep premises clean and in good repair, and specifically, failed to repair floors, walls and ceilings of baby animal trailer. 9 C.F.R. § 3.131(c).

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v. September 25 1998 (Site 2 upper half). Respondents failed to clear accumulations of trash, and specifically, failed to remove bags of trash stored next to baby animal trailer, and failed to remove old cages and junk next to lower baby animal trailer. 9 C.F.R. § 3.131(c).

vi. September 25 1998 (Site 2 upper half). Respondents failed to keep premises clean, and specifically, failed to clean floors, walls and ceilings of baby animal trailer, and medical supply storage area. 9 C.F.R. § 3.131(c).

vii. December 1, 1998 (Site 1). Respondents failed to keep premises clean and in good repair, and to place accumulations of trash in designated areas, and specifically, left food debris in thawing room. 9 C.F.R. § 3.131(c).

viii. December 1, 1998 (Site 1). Respondents failed to establish and maintain an adequate program of pest control, and specifically, failed to take minimally-adequate steps to eradicate respondents' rodent infestation. 9 C.F.R. § 3.131(d).

ix. May 10, 2001 (Site 1). Respondents failed to establish and maintain an adequate program of pest control, and specifically, failed to take minimally-adequate steps to control rodent infestation near hospital and in animal enclosures. 9 C.F.R. § 3.131(d).

x. May 10, 2001 (Site 1). Respondents failed to keep premises clean, and specifically, failed to remove waste from walk-in cooler, including buckets filled with deteriorating meat, and to clean cooler and cooler shelves, which had an extensive build-up of grime and food debris, including blood and meat scraps, and

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on which at least one unwrapped piece of meat was stored. 9 C.F.R. § 3.131(c).

xi. May 10, 2001 (Site 1). Respondents failed to keep premises clean and in good repair, and to place accumulations of trash in designated areas, and specifically, left debris in hospital area. 9 C.F.R. § 3.131(c).

xii. May 13, 2002 (Site 1). Respondents failed to keep premises clean and in good repair, and to place accumulations of trash in designated areas, and specifically, failed to remove an accumulation of objects (pallets and boxes) from area behind llama enclosures. 9 C.F.R. § 3.131(c).

g. **3.132 Employees**

i. September 25 1998 (Site 2 upper half). Respondents failed to have a sufficient number of adequately-trained employees to carry out the level of husbandry practices and care required by the Regulations and Standards. 9 C.F.R. § 3.132.

ii. September 25 1998 (Site 2 upper half). Respondents failed to have a supervisor with adequate animal care background provide training and supervision to employees who handle or provide husbandry practices and care to animals. 9 C.F.R. § 3.132.

iii. December 1, 1998 (Site 2). Respondents failed to have a sufficient number of adequately-trained employees to carry out the level of husbandry practices and care required by the Regulations and Standards. 9 C.F.R. § 3.132.

iv. December 1, 1998 (Site 2). Respondents failed to have a supervisor with adequate animal care background provide training and supervision to employees

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who handle or provide husbandry practices and care to animals. 9 C.F.R. § 3.132.

v. May 10, 2001 (Site 1). Respondents failed to have a sufficient number of adequately-trained employees to carry out the level of husbandry practices and care required by the Regulations and Standards. 9 C.F.R. § 3.132.

vi. May 10, 2001 (Site 1). Respondents failed to have a supervisor with adequate animal care background provide training and supervision to employees who handle or provide husbandry practices and care to animals. 9 C.F.R. § 3.132.

#### Conclusions of Law

#### NONCOMPLIANCE WITH REGULATIONS GOVERNING RESEARCH FACILITIES

1. Respondent Wildlife Waystation willfully violated the Regulations governing research facilities (9 C.F.R. §§ 2.30-2.38), as follows:

a. **2.30 Registration**

i. March 14 & 15, 2000. 9 C.F.R. § 2.30(c)(1).

b. **2.31 Institutional Animal Care and Use Committee (IACUC)**

i. April 28, 1998. 9 C.F.R. § 2.31(c)(1).

ii. April 28, 1998. 9 C.F.R. § 2.31(c)(2).

iii. April 28, 1998. 9 C.F.R. § 2.31(c)(3).

iv. April 28, 1998. 9 C.F.R. § 2.31(c)(3).

v. April 28, 1998. 9 C.F.R. § 2.31(c)(6).

vi. September 30, 1998. 9 C.F.R. § 2.31(c)(1).

vii. September 30, 1998. 9 C.F.R. § 2.31(c)(2).

viii. Septemher 30, 1998. 9 C.F.R. § 2.31(c)(3).

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- ix. September 30, 1998. 9 C.F.R. § 2.31(c)(3).
- x. September 30, 1998. 9 C.F.R. § 2.31(c)(6).
- xi. March 14 & 15, 2000. 9 C.F.R. § 2.31(a).
- xii. March 14 & 15, 2000. 9 C.F.R. § 2.31(c)(1).
- xiii. March 14 & 15, 2000. 9 C.F.R. § 2.31(c)(2).
- xiv. March 14 & 15, 2000. 9 C.F.R. § 2.31(c)(3).
- xv. March 14 & 15, 2000. 9 C.F.R. § 2.31(c)(3).
- xvi. March 14 & 15, 2000. 9 C.F.R. § 2.31(e)(6).
- c. **2.32 Personnel qualifications**
  - i. March 14 & 15, 2000. 9 C.F.R. § 2.32(a).
  - ii. March 14 & 15, 2000. 9 C.F.R. § 2.32(b).
- d. **2.33 Attending veterinarian and adequate veterinary care**
  - i. March 14 & 15, 2000. 9 C.F.R. § 2.33(a)(1).
- e. **2.35 Recordkeeping requirements**
  - i. April 28, 1998. 9 C.F.R. § 2.35(a)(1).
  - ii. April 28, 1998. 9 C.F.R. § 2.35(a)(2).
  - iii. April 28, 1998. 9 C.F.R. § 2.35(a)(3).
  - iv. September 30, 1998. 9 C.F.R. § 2.35(a)(1).
  - v. September 30, 1998. 9 C.F.R. § 2.35(a)(2).
  - vi. September 30, 1998. 9 C.F.R. § 2.35(a)(3).
- f. **Miscellaneous**
  - i. April 28, 1998. 9 C.F.R. § 2.38(b)(1).

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- ii. September 30, 1998 9 C.F.R. § 2.38(b)(1).

NONCOMPLIANCE WITH REGULATIONS GOVERNING  
ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE

2. Respondents Martine Colette and Wildlife Waystation willfully violated the attending veterinarian and veterinary care regulations (9 C.F.R. § 2.40), as follows:

- a. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 2.40(b)(1).
- b. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 2.40(b)(3).
- c. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 2.40(b)(1).
- d. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 2.40(b)(1).
- e. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 2.40(b)(1).
- f. April 24 and 28, 1998 (Site 3). 9 C.F.R. §§ 2.40(b)(1), 2.40(b)(2)
- g. April 24 and 28, 1998 (Site 3). 9 C.F.R. §§ 2.40(b)(1), 2.40(b)(2)
- h. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 2.40(b)(2).
- i. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 2.40(b)(2).
- j. September 25, 1998 (Site 2). 9 C.F.R. § 2.40(b)(1).
- k. September 25, 1998 (Site 2). 9 C.F.R. § 2.40(b)(2).
- l. September 25, 1998 (Site 2). 9 C.F.R. § 2.40(b)(3).
- m. September 25, 1998 (Site 2). 9 C.F.R. § 2.40(b)(1).
- n. September 25, 1998 (Site 2). 9 C.F.R. § 2.40(b)(2).
- o. September 25, 1998 (Site 2). 9 C.F.R. § 2.40(b)(2).
- p. September 25, 1998 (Site 2). 9 C.F.R. § 2.40(a).
- q. September 25, 1998 (Site 2). 9 C.F.R. § 2.40(b)(2).
- r. September 25, 1998 (Site 2). 9 C.F.R. § 2.40(b)(1).

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- s. September 25, 1998 (Site 2). 9 C.F.R. § 2.40(b)(1).
- t. September 25, 1998 (Site 2). 9 C.F.R. § 2.40(b)(1).
- u. September 25, 1998 (Site 2). 9 C.F.R. §§ 2.40(b)(1), 2.40(b)(2).
- v. December 1, 1998 (Site 1). 9 C.F.R. § 2.40(b)(1).
- w. December 1, 1998 (Site 1). 9 C.F.R. § 2.40(b)(2).
- x. December 1, 1998 (Site 1). 9 C.F.R. § 2.40(b)(2).
- y. December 1, 1998 (Sites 1 & 2). 9 C.F.R. § 2.40(b)(2).
- z. December 1, 1998 (Site 2). 9 C.F.R. § 2.40(b)(2).
- aa. December 1, 1998 (Site 2). 9 C.F.R. § 2.40(b)(2).
- bb. December 1, 1998 (Site 2). 9 C.F.R. § 2.40(b)(2).
- cc. December 1, 1998 (Site 3). 9 C.F.R. § 2.40(b)(2).
- dd. December 1, 1998 (Site 3). 9 C.F.R. § 2.40(b)(3).
- ee. December 1, 1998 (Site 3). 9 C.F.R. § 2.40(b)(3).
- ff. December 1, 1998 (Site 3). 9 C.F.R. § 2.40(b)(3).
- gg. December 1, 1998 (Site 3). 9 C.F.R. § 2.40(b)(3).
- hh. December 1, 1998 (Site 3). 9 C.F.R. § 2.40(b)(1).
- ii. December 1, 1998 (Site 3). 9 C.F.R. § 2.40(b)(1).
- jj. December 1, 1998 (Site 3). 9 C.F.R. § 2.40(b)(1).
- kk. December 1, 1998 (Site 3). 9 C.F.R. § 2.40(b)(2).
- ll. December 1, 1998 (Site 3). 9 C.F.R. § 2.40(b)(1).
- mm. March 26, 1999 (Site 1). 9 C.F.R. § 2.40(b)(2).
- nn. March 26, 1999 (Site 1). 9 C.F.R. § 2.40(b)(1).

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- oo. March 26, 1999 (Site 1). 9 C.F.R. § 2.40(b)(2).
- pp. June 22, 2000 (Site 1). 9 C.F.R. § 2.40(b)(1).
- qq. June 22, 2000 (Site 1). 9 C.F.R. § 2.40(b)(2).
- rr. June 22, 2000 (Site 1). 9 C.F.R. § 2.40(b)(1).
- ss. June 22, 2000 (Site 1). 9 C.F.R. § 2.40(b)(2).
- tt. June 22, 2000 (Site 1). 9 C.F.R. § 2.40(b)(2).
- uu. May 10, 2001 (Site 1). 9 C.F.R. § 2.40(b)(2).
- vv. May 10, 2001 (Site 3). 9 C.F.R. § 2.40(b)(3).
- ww. May 10, 2001 (Site 1). 9 C.F.R. § 2.40(b)(1).
- xx. May 10, 2001 (Site 1). 9 C.F.R. § 2.40(b)(2).

NONCOMPLIANCE WITH REGULATIONS GOVERNING  
HANDLING OF ANIMALS

3. Respondents Martine Colette and Wildlife Waystation willfully violated the handling regulations (9 C.F.R. § 2.131), as follows:

- a. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 2.131(c)(1).
- b. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 2.131(d).
- c. September 25, 1998 (Site 2). 9 C.F.R. § 2.131(a)(1).
- d. June 22, 2000 (Site 1). 9 C.F.R. § 2.131(a)(1).
- e. May 10, 2001 (Site 1). 9 C.F.R. § 2.131(a)(1).
- f. May 10, 2001 (Site 1). 9 C.F.R. § 2.131(c)(1).
- g. September 26, 2001 (Site 1) 9 C.F.R. § 2.131(a)(1).

NONCOMPLIANCE WITH STANDARDS GOVERNING  
HUMANE HANDLING, CARE, AND TREATMENT OF NONHUMAN PRIMATES

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4. Respondents Martine Colette and Wildlife Waystation willfully violated section 2.100(a) of the Regulations by failing to meet the minimum facilities and operating standards for nonhuman primates (9 C.F.R. §§ 3.75-3.92), as follows:

a. **3.75 Housing facilities, general**

- i. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.75(a).
- ii. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.75(a).
- iii. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.75(a).
- iv. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.75(a).
- v. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.75(c)(1).
- vi. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.75(e).
- vii. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.175(f).
- viii. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.75(e).
- ix. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.75(c)(1).
- x. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.75(c)(3).
- xi. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.75(c)(3).
- xii. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.75(c)(3).
- xiii. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.75(c)(3).
- xiv. April 24 and 28, 1998 (Site 3). 9 C.F.R. §§ 3.75(c)(2), 3.75(c)(3).
- xv. September 25, 1998 (Site 2 upper half). 9 C.F.R. § 3.75(c).
- xvi. December 1, 1998 (Site 3). 9 C.F.R. § 3.75(a).
- xvii. December 1, 1998 (Site 3). 9 C.F.R. § 3.75(a).
- xviii. December 1, 1998 (Site 3). 9 C.F.R. § 3.75(a).

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- xix. December 1, 1998 (Site 3). 9 C.F.R. § 3.75(e).
- xx. December 1, 1998 (Site 3). 9 C.F.R. § 3.75(f).
- xxi. December 1, 1998 (Site 3). 9 C.F.R. § 3.75(e).
- xxii. June 22, 2000 (Site 1). 9 C.F.R. § 3.75(a).
- xxiii. May 10, 2001 (Site 1). 9 C.F.R. § 3.75(a).
- xxiv. August 15, 2001 (Site 1). 9 C.F.R. § 3.75(a).
- xxv. November 20, 2001 (Site 1). 9 C.F.R. § 3.75(a).
- xxvi. May 13, 2002 (Site 1). 9 C.F.R. § 3.75(a).
- xxvii. August 20, 2002 (Site 1). 9 C.F.R. § 3.75(a).
- b. **3.76 Indoor housing facilities**
  - i. May 10, 2001 (Site 1). 9 C.F.R. § 3.76(b).
- c. **3.77 Sheltered housing facilities**
  - i. June 22, 2000. 9 C.F.R. § 3.77(c).
  - ii. June 22, 2000. 9 C.F.R. § 3.77(e).
- d. **3.78 Outdoor housing facilities**
  - i. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.78(b).
  - ii. December 1, 1998 (Site 3). 9 C.F.R. § 3.78(e).
  - iii. December 1, 1998 (Site 3). 9 C.F.R. § 3.78(b).
  - iv. December 1, 1998 (Site 3). 9 C.F.R. § 3.78(b).
- e. **3.80 Primary enclosures**
  - i. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.80(a)(1).
  - ii. April 24 and 28, 1998 (Site 3). 9 C.F.R. §§ 3.80(a)(2)(i),

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3.80(a)(2)(ii).

iii. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.80(a)(1).

iv. April 24 and 28, 1998 (Site 3). 9 C.F.R. §§ 3.80(a)(2)(i),

3.80(a)(2)(ii).

v. April 24 and 28, 1998 (Site 3). 9 C.F.R. §§ 3.80(a)(2)(iii),

3.80(a)(2)(v).

vi. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.80(a)(2)(v).

vii. December 1, 1998 (Site 3). 9 C.F.R. § 3.80(a)(2)(v).

viii. December 1, 1998 (Site 3). 9 C.F.R. § 3.80(a)(1).

ix. December 1, 1998 (Site 3). 9 C.F.R. § 3.80(a)(2)(ii).

x. May 10, 2001 (Site 1). 9 C.F.R. § 3.80(a)(1).

xi. May 10, 2001 (Site 1). 9 C.F.R. §§ 3.80(a)(2)(i), 3.80(a)(2)(ii).

xii. May 10, 2001 (Site 1). 9 C.F.R. § 3.80(a)(1).

xiii. August 15, 2001 (Site 1). 9 C.F.R. § 3.80(a)(1).

xiii. August 15, 2001 (Site 1). 9 C.F.R. § 3.80(a)(1).

xiv. August 15, 2001 (Site 1) 9 C.F.R. § 3.80(a)(2)(ix).

xv. May 13, 2002 (Site 1). 9 C.F.R. § 3.80(a)(1).

xvi. May 13, 2002 (Site 1). 9 C.F.R. § 3.80(a)(2)(ix).

xvii. May 13, 2002 (Site 1) 9 C.F.R. § 3.80(a)(1).

xviii. August 20, 2002 (Site 1). 9 C.F.R. § 3.80(a)(1).

xix. August 20, 2002 (Site 1) 9 C.F.R. § 3.80(a)(1).

xx. August 20, 2002 (Site 1) 9 C.F.R. § 3.80(a)(2)(ix).

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f. **3.81 Environmental enhancement to promote psychological well-being**

- i. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.81(a).
- ii. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.81(b).
- iii. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.81(c)(1).
- iv. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.81(c)(4).
- v. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.81(c)(5).

g. **3.82 Feeding**

- i. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.82(a).
- ii. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.82(a).
- iii. December 1, 1998 (Site 3). 9 C.F.R. § 3.82(a).
- iv. December 1, 1998 (Site 3). 9 C.F.R. § 3.82(a).
- v. May 10, 2001 (Site 1). 9 C.F.R. § 3.82(d).

h. **3.84 Cleaning, sanitization, housekeeping, and pest control**

- i. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.84(d).
- ii. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.84(d).
- iii. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.84(c).
- iv. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.84(c).
- v. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.84(d).
- vi. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.84(c).
- vii. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.84(c).
- viii. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.84(a).
- ix. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.84(b)(2).

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- x. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.84(b)(2).
- xi. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.84(b)(2).
- xii. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.84(a).
- xiii. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.84(a).
- xiv. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.84(a).
- xv. December 1, 1998 (Site 3). 9 C.F.R. § 3.84(d).
- xvi. May 10, 2001 (Site 1). 9 C.F.R. § 3.84(d).
- xvii. May 10, 2001 (Site 1). 9 C.F.R. § 3.84(d).
- xviii. May 10, 2001 (Site 1). 9 C.F.R. § 3.84(e).
- xix. August 20, 2002 (Site 1). 9 C.F.R. § 3.84(d).
- xx. August 20, 2002 (Site 1). 9 C.F.R. § 3.84(c).

i. **3.85 Employees**

- i. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.85.
- ii. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.85.
- iii. April 24 and 28, 1998 (Site 3). 9 C.F.R. § 3.85.
- iv. December 1, 1998 (Site 2). 9 C.F.R. § 3.85.
- v. December 1, 1998 (Site 2). 9 C.F.R. § 3.85.
- vi. December 1, 1998 (Site 2). 9 C.F.R. § 3.85.
- vii. December 1, 1998 (Site 3). 9 C.F.R. § 3.85.
- viii. December 1, 1998 (Site 3). 9 C.F.R. § 3.85.
- ix. December 1, 1998 (Site 3). 9 C.F.R. § 3.85.
- x. May 10, 2001 (Site 1). 9 C.F.R. § 3.85.

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xi. May 10, 2001 (Site 1). 9 C.F.R. § 3.85.

xii. May 10, 2001 (Site 1). 9 C.F.R. § 3.85.

NONCOMPLIANCE WITH STANDARDS GOVERNING  
HUMANE HANDLING, CARE, AND TREATMENT OF OTHER ANIMALS

5. Respondents Martine Colette and Wildlife Waystation willfully violated section 2.100(a) of the Regulations by failing to meet the minimum facilities and operating standards for animals other than dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates and marine mammals (9 C.F.R. §§ 3.125-3.142), as follows:

a. 3.125 Facilities, general

- i. September 25, 1998 (Site 2 upper half). 9 C.F.R. § 3.125(a).
- ii. September 25, 1998 (Site 2 upper half). 9 C.F.R. § 3.125(a).
- iii. September 25, 1998 (Site 2 upper half). 9 C.F.R. § 3.125(a).
- iv. September 25, 1998 (Site 2 upper half). 9 C.F.R. § 3.125(a).
- v. September 25, 1998 (Site 2 upper half). 9 C.F.R. § 3.125(e).
- vi. September 25 1998 (Site 2 upper half). 9 C.F.R. § 3.125(d).
- vii. September 25 1998 (Site 2 upper half). 9 C.F.R. § 3.125(a).
- viii. December 1, 1998 (Site 1). 9 C.F.R. § 3.125(c).
- ix. December 1, 1998 (Site 1). 9 C.F.R. § 3.125(c).
- x. December 1, 1998 (Site 1). 9 C.F.R. § 3.125(c).
- xi. December 1, 1998 (Site 1). 9 C.F.R. § 3.125(c).
- xii. December 1, 1998 (Site 1). 9 C.F.R. § 3.125(c).
- xiii. December 1, 1998 (Site 1). 9 C.F.R. § 3.125(c).
- xiv. December 1, 1998 (Site 1). 9 C.F.R. § 3.125(c).

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- xv. December 1, 1998 (Site 1). 9 C.F.R. § 3.125(c).
- xvi. December 1, 1998 (Site 1). 9 C.F.R. § 3.125(c).
- xvii. December 1, 1998 (Site 1). 9 C.F.R. § 3.125(c).
- xviii. December 1, 1998 (Site 1). 9 C.F.R. § 3.125(d).
- xix. June 22, 2000. 9 C.F.R. § 3.125(a).
- xx. May 10, 2001 (Site 1). 9 C.F.R. § 3.125(a).
- xxi. May 10, 2001 (Site 1). 9 C.F.R. § 3.125(a).
- b. **3.127 Facilities, outdoor**
  - i. September 25, 1998 (Site 2 upper half). 9 C.F.R. § 3.127(b).
  - ii. September 25, 1998 (Site 2 upper half). 9 C.F.R. § 3.127(b).
  - iii. September 25, 1998 (Site 2 upper half). 9 C.F.R. § 3.127(c).
  - iv. May 10, 2001 (Site 1). 9 C.F.R. § 3.127(d).
  - v. May 10, 2001 (Site 1). 9 C.F.R. § 3.127(d).
  - vi. May 13, 2002 (Site 1) 9 C.F.R. § 3.127(a).
- c. **3.128 Space**
  - i. September 25, 1998 (Site 2 upper half). 9 C.F.R. § 3.128.
  - ii. September 25, 1998 (Site 2 upper half). 9 C.F.R. § 3.128.
- d. **3.129 Feeding**
  - i. December 1, 1998 (Site 1). 9 C.F.R. § 3.129.
  - ii. May 10, 2001 (Site 1). 9 C.F.R. § 3.129.
- e. **3.130 Watering**
  - i. September 25 1998 (Site 2 upper half). 9 C.F.R. § 3.130.

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ii. May 10, 2001 (Site 1). 9 C.F.R. § 3.130.

f. **3.131 Sanitation**

i. September 25 1998 (Site 2 upper half). 9 C.F.R. § 3.131(d).

ii. September 25 1998 (Site 2 upper half). 9 C.F.R. § 3.131(d).

iii. September 25 1998 (Site 2 upper half). 9 C.F.R. § 3.131(d).

iv. September 25 1998 (Site 2 upper half). 9 C.F.R. § 3.131(c).

v. September 25 1998 (Site 2 upper half). 9 C.F.R. § 3.131(c).

vi. September 25 1998 (Site 2 upper half). 9 C.F.R. § 3.131(c).

vii. December 1, 1998 (Site 1). 9 C.F.R. § 3.131(c).

viii. December 1, 1998 (Site 1). 9 C.F.R. § 3.131(d).

ix. May 10, 2001 (Site 1). 9 C.F.R. § 3.131(d).

x. May 10, 2001 (Site 1). 9 C.F.R. § 3.131(c).

xi. May 10, 2001 (Site 1). 9 C.F.R. § 3.131(c).

xii. May 13, 2002 (Site 1). 9 C.F.R. § 3.131(c).

g. **3.132 Employees**

i. September 25 1998 (Site 2 upper half). 9 C.F.R. § 3.132.

ii. September 25 1998 (Site 2 upper half). 9 C.F.R. § 3.132.

iii. December 1, 1998 (Site 2). 9 C.F.R. § 3.132.

iv. Dceember 1, 1998 (Site 2). 9 C.F.R. § 3.132.

v. May 10, 2001 (Site 1). 9 C.F.R. § 3.132.

vi. May 10, 2001 (Site 1). 9 C.F.R. § 3.132.

6. The respondents have admitted the jurisdictional facts, the parties have agreed to the

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entry of this decision, and therefore such decision will be entered. This consent decision and order may be executed in counterparts.


Order


1. Animal welfare license number 93-C-0295, issued under the name "MARTINE COLETTE D.B.A. WILDLIFE WAYSTATION." is hereby suspended for thirty days, and continuing thereafter until APHIS determines that respondents have attained compliance with the Regulations and Standards.

2. Respondents, their agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act and the Regulations and Standards, and shall not engage in activities for which a license under the Act is required.



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3. If and when the license suspension described in paragraph 1 of this Order is lifted, there shall be a two-year period of time thereafter which shall be referred to as the "probation period." The respondents agree that if APHIS notifies respondents that it has documented a failure to comply with the Regulations (9 C.F.R. § 2.1, *et seq.*), during the probation period, upon receipt of such notice and supporting documentation, respondents shall be assessed a civil penalty of \$50,000, without further procedure. The respondents further agree to a prospective waiver of their right to notice and opportunity for an oral hearing pursuant to section 19 of the Act (7 U.S.C. § 2149) as to any such failure to comply with such Regulation described in this paragraph, and the parties agree that respondents may seek further review or injunctive, declaratory or other appropriate relief in the United States District Court for the Central District of California.


  
Martine Colette  
Respondent

  
Colleen A. Carroll  
Attorney for Complainant

WILDLIFE WAYSTATION  
a California corporation

By   
Its PRESIDENT 

Done and EFFECTIVE  
this 31 day of October,  
2002, at Washington, D.C.

  
Jill S. Clifton  
Administrative Law Judge

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